

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

**FIREARMS REGULATORY
ACCOUNTABILITY COALITION, INC.,
ET AL.,**

Plaintiffs,

v.

**MERRICK B. GARLAND, IN HIS
OFFICIAL CAPACITY, as Attorney General
of the United States, ET AL.,**

Defendants.

Case No. 1:23-cv-00024-DLH-CRH

JOINT STATUS REPORT

Pursuant to the Court's Order dated November 13, 2023, ECF No. 101, the parties submit this Joint Status Report to alert the Court to the Eighth Circuit's opinion and judgment in *Firearms Regulatory Accountability Coalition, Inc. v. Garland*, No. 23-3230 (8th Cir.), concluding Plaintiffs are likely to succeed on the merits of their arbitrary-and-capricious challenge, and reversing and remanding the decision of the district court.

The parties request that this matter remain stayed pending the issuance of the Eighth Circuit's mandate in the above-captioned appeal, and that the parties be ordered to submit a joint proposed schedule within two weeks of the issuance of the mandate.

Dated: August 16, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

BRIGHAM J. BOWN
Assistant Branch Director

/s/ Faith E. Lowry

FAITH E. LOWRY (TX. Bar No. 24099560)

TAYLOR PITZ

JODY D. LOWENSTEIN

Trial Attorneys

U.S. Department of Justice

Civil Division, Federal Programs Branch

1100 L Street, N.W.

Washington, DC 20005

Phone: (202) 305-2532

Email: faith.e.lowry@usdoj.gov

Counsel for Defendants

/s/ Stephen J. Obermeier

Stephen J. Obermeier

Thomas M. Johnson, Jr.

Michael D. Faucette

Jeremy J. Broggi

Boyd Garriott

WILEY REIN LLP

2050 M Street NW

Washington, DC 20036

Tel: 202.719.7000

Fax: 202.719.7049

SObermeier@wiley.law

TMJohnson@wiley.law

MFaucette@wiley.law

JBroggi@wiley.law

BGarriott@wiley.law

Benjamin J. Sand (ND ID #07981)

CROWLEY FLECK PLLP

100 W Broadway Ave

Bismarck, ND 58501

Tel: 701.223.6585

Fax: 701.222.4853

bsand@crowleyfleck.com

*Counsel for Plaintiffs FRAC, SB Tactical, B&T, and
Richard Cicero*

/s/ Michael R. Williams

PATRICK MORRISEY

Attorney General

MICHAEL R. WILLIAMS

Solicitor General

Office of the West Virginia Attorney General
State Capitol, Bldg 1, Room E-26
Charleston, WV 25305
(681) 313-4550
Michael.R.Williams@wvago.gov

Counsel for Plaintiff State of West Virginia